

Attorney Docket No. 5697-39DV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Worm *et al.*

Confirmation No.: 5474

Serial No.: 10/695,544

Group Art Unit: 1765

Filed: October 28, 2003

For: DIVIDED PRESSURE VESSEL APPARATUS FOR CARBON DIOXIDE BASED
SYSTEMS AND METHODS OF USING SAME

Date: February 20, 2004.

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicants hereby petition to grant the proper filing date of October 28, 2003 rather than October 29, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of October 28, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

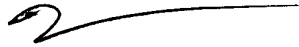
1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page (www.usps.com), showing "acceptance" or deposit date with the USPS at 5:31 p.m. on October 28, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicants were improperly given the filing date of October 29, 2003 instead of the Express Mail date of October 28, 2003.

This petition is being filed promptly after Applicants became aware of the improperly accorded filing date. Accordingly, Applicants respectfully request the granting of October 28, 2003 as the filing date pursuant to 37 CFR § 1.10.

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On the basis that Applicants properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicants' belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

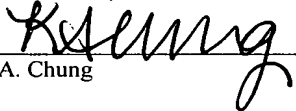


David D. Beatty
Attorney For Applicants
Registration No. 38,071

USPTO Customer No. 39072
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 20, 2004.


Katie A. Chung

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5697-39DV

DATE: October 27, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR 1.53(b))**

BOX PATENT APPLICATION

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is:

- ☐ a patent application
☐ a Continuation ☒ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: 09/976,551; filed October 12, 2001, the disclosure of which is hereby incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Steve L. Worm, Raleigh, NC ; **James P. DeYoung**, Durham, NC; **James B. McClain**, Raleigh, NC;
David E. Brainard, Knightdale, NC;

Entitled:

DIVIDED PRESSURE VESSEL APPARATUS FOR CARBON DIOXIDE BASED SYSTEMS AND METHODS OF USING SAME

Correspondence Address:

Myers Bigel Sibley & Sajovec, P.A.

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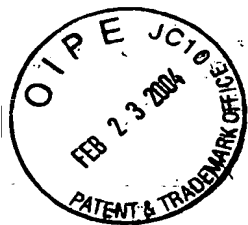
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Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 44 pages of Specification (including 28 claims)
3. ☒ 8 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☐ newly executed (*original or copy*)
 - b. ☒ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
- 6.. ☒ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under

EV318416404US



Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.


7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*) Filed in parent.
9. ☐ Applicant claims small entity status. See 37 CFR 1.27.
10. ☒ Information Disclosure Statement and PTO-1449
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$370.00	\$ 740.00
TOTAL CLAIMS	28- 20 =	8	x 09 = \$	x 18 = \$ 144
INDEP CLAIMS	2 - 3 =	0	x 43 = \$	x 86 = \$0
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$ 884

- ☒ A check in the amount of \$844.00 to cover the filing fee is enclosed.
- ☐ A check in the amount of \$ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
 - a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



David D. Beatty
Registration No. 38,071

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV318416404 US

Date of Deposit: October 28, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: BOX PATENT APPLICATION, Commissioner for Patents, Washington, DC 20231.


Lyndsey D. Hall



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- ARRIVAL AT UNIT, October 29, 2003, 7:46 am, DULLES, VA 20102
- ENROUTE, October 28, 2003, 6:45 pm, RALEIGH, NC 27623
- ACCEPTANCE, October 28, 2003, 5:31 pm, RALEIGH, NC 27612

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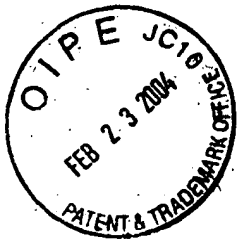
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P.O. Box 1450
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RDB/ldn

Date: 10/28/03

Doc. No. 5097 39DV

Serial No. 11-06-03 A09:11

Inventor: Norm et al

Sir: Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

☒ Application Transmittal and:
☒ Specification pages 44
☒ No. of Claims 28
☒ Declaration & POA
☐ Assignment and Fee
☐ Small Entity Statement
☒ Formal Drawings/ 8 sheets
☐ Associate Power of Attorney
☒ Exp. Mail ☐ 1st Class Mail

☒ Check \$ 844
☒ IDS & PTO-1449 & 16 refs.
☐ Amendment & Amend. Transmittal
☐ Preliminary Amendment
☐ Issue Fee
☐ Brief
☐ Appeal
☐ Submittal of Priority Doc.

Other: _____

03917 U.S. PTO
10/695544



102903

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant